

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
MINUTES OF PROCEEDINGS

NEWARK

JUDGE: HON. FAITH S. HOCHBERG

DATE: October 5, 2010

COURT REPORTER: JOHN STONE

DEPUTY CLERK: JULIANNE BURO

Title of Case: WASTE MANAGEMENT OF NEW JERSEY, INC. v. TEAMSTERS EMPLOYERS
LOCAL 945 PENSION FUND, et al.

Civ. Docket No. 10-3984 (FSH)

Appearances: Thomas Bender, Esq. for Plaintiff
Susan Katz Hoffman, Esq. for Plaintiff
Matthew Hank, Esq. for Plaintiff
Frank Custode, Esq. for Plaintiff
Ron Richman, Esq. for Defendants
John Agnello, Esq. for Defendants
Sara Solfanelli, Esq. for Defendants

NATURE OF PROCEEDINGS: Hearing on Plaintiff's Application for a Preliminary Injunction

Ordered Plaintiff's application for a preliminary injunction enjoining arbitration of the delinquent contributions dispute pursuant to the 2009 Resolution is granted.

Ordered that the withdrawal liability dispute will be adjudicated according to the procedures outlined in the Multiemployer Pension Plan Amendments Act.

Ordered that the preliminary injunction does not bar the parties from proceeding to arbitration on the delinquent contributions dispute pursuant to the terms of the Trust Agreement or the 2007 Resolution.

Ordered that as part of the equitable relief provided for by this Court, the parties are directed that any factual findings made in the delinquent contributions dispute will be considered de novo by the MPPAA arbitrator and will not have any collateral estoppel effect.

Time Commenced: 10:40a.m.

Time adjourned: 11:40a.m.

cc: chambers

Julianne Buro
Deputy Clerk